

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARK ZAID,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendant.

Case No. 8:22-cv-01602-DKC

STATUS REPORT

Pursuant to the Court’s Letter Order dated September 8, 2023, ECF No. 35, Defendant and Plaintiff, by and through their respective counsel, submit the following status report:

1. Plaintiff Mark Zaid filed the above-captioned lawsuit against DHS on or about June 29, 2022, seeking to compel Immigration and Customs Enforcement (“ICE”) and the United States Secret Service (“USSS”) (collectively, the “Involved Agencies”) to disclose records that Plaintiff requested under the Freedom of Information Act, 5 U.S.C. § 522 (“FOIA”). *See* ECF No. 1.

2. On July 5, 2023, the Court entered a Memorandum Opinion and Order, ECF Nos. 32 and 33, granting in part and denying in part Defendant’s motion for summary judgment. The Court entered summary judgment in favor of Defendant with respect to the adequacy of the search by USSS and as to the request for documents related to “hurtcore” addressed to ICE. *See* ECF No. 33 at 2. The Court denied summary judgment “with regard to the search by ICE for other categories of requested documents.” *Id.*

3. On September 8, 2023, the Court held a telephone conference with the parties, during which Defendant anticipated that it would be able to review and produce responsive records

by November 17, 2023, and Plaintiff agreed to await the results of ICE's review of potentially responsive records to determine how to proceed. *See* ECF No. 35. Following the telephone conference, the Court entered a Letter Order, ordering the parties to file a status report by December 1, 2023, and scheduling a telephone conference with counsel on December 8, 2023. *See id.*

4. On November 17, 2023, ICE released responsive records to Plaintiff and notified Plaintiff that additional records were set aside because they were determined to be subject to court sealing orders. ICE's review of the set aside records is ongoing, and it expects to issue a final response and production by December 29, 2023.

5. Counsel for Defendant conferred with counsel for Plaintiff regarding ICE's November 17, 2023 release of responsive records and ICE's anticipated final response, which it expects to be issued by December 29, 2023. Defendant requests, with Plaintiff's consent, that the Court extend the schedule for a telephone conference and set a deadline for a status report to be filed by January 15, 2024. Counsel for Defendant provided this status report to counsel for Plaintiff for review and consent prior to filing.

Date: November 30, 2023

Respectfully submitted,

Erek L. Barron
United States Attorney

/s/
Alicia L. Shelton (Bar No. 11538)
Assistant United States Attorney
36 South Charles Street, 4th Floor
Baltimore, Maryland 21201
(410) 209-4836 (direct)
(410) 962-2310 (fax)
alicia.shelton2@usdoj.gov
Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that on this 30th day of November, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all counsel.

/s/

Alicia L. Shelton
Assistant United States Attorney